

Second Response
Remarks

The original objection to the claims has been withdrawn.

The new objection to the claims is respectfully traversed. The language of the claims mimics the language of the specification which is tied to the patent application drawing by reference numerals. Thus the meaning of the claims is clear.

The allowance of claims 9 and 10 and the conditional allowance of claim 6 and 7 have been withdrawn in view of new prior art.

The rejection of claims 1-5, 8 and 9 under 35 USC § 102(b) as being anticipated by US Patent, 2,854,857 (Gleasant) is respectfully traversed.

Applicant's cable attachment receives an end length (83) of cable (72) transversely into the open ended loading slot (84) in the end portion of member (42) until the end length of cable is disposed in the inner end portion (92) of loading slot (84) as shown in figure 5 of the patent application drawing. The end length of cable (72) is then rotated 90 degrees in a planar fashion into the outer end portion of the retaining slot (90) via the transition slots (96 and 98) as shown in figure 6 of the patent application drawing. The end length of cable (72) is then moved to the inner end of the retaining slot (90) as shown in figure 7 of the patent application drawing.

The assembly and structure of the cable attachment disclosed in the Gleasant '857 patent is quite different than that disclosed and claimed in Applicant's patent application.

The Gleasant cable attachment comprises a U-shaped bracket (1) having upper and lower plates which the Examiner designates (F1 and F2) in a copy of figure 2 of the Gleasant '857 patent that is incorporated in the Office Action of July 22, 2002. Plates (F1 and F2) are spaced apart and attached at one end by an end wall which the Examiner designates (B). The space between plates (F1 and F2) is designated by the Examiner as (A). Space (A) receives a handle (4).

The upper plate (F1) has a slot (7) and a second slot (13) that intersects slot (7). The lower plate (F2) has a slot (7) (which the Examiner designates as slot 7A) that registers with slot (7). The lower plate does not have a second slot. Handle (4) has openings (6) that register with slots (7 and 7A) and a second slot (14) that registers with slot (13).

The end wall (B) has an opening (16) for receiving a slotted nipple (15) and an open ended slot (18) that intersects opening (16).

In assembling and anchoring the Gleasman cable (12), the handle (4) is introduced into space (A) with openings (6) registering with slots (7 and 7A) and the slot (14) registering with slot (13). The pin (5) at the end of the cable (12) is then introduced laterally with the cable traversing the registered slots (13 and 14). The pin (5) with the attached cable (12) is then rotated clockwise 90 degrees causing cable (12) to traverse slot (18) in bracket (1) and slot (17) in nipple (15) until the parts occupy the positions shown in figure 1 of the Gleasman patent where cable (12) extends through nipple (15). See column 2, lines 12-21 of the Gleasman patent specification.

The Examiner alleges that claim 1 reads on the Gleasman '857 patent as follows:¹

1. A cable attachment for attaching a cable to an end portion of a member (1) comprising:

(a) the member (1) having an open ended loading slot (A) that extends completely across and into the end portion of the member to an inner end forming separate cantilevered fingers (F1, F2) extending across the member on opposite sides of the loading slot, the loading slot (A) spanning the separate fingers to form openings between the fingers at opposite sides of the end portion,

(b) the end portion having a retaining slot (16, 18) that is transverse to the loading slot (A), the loading slot (A) having an inner end portion and *the retaining*

¹ The paragraphs of claim 1 have been identified as a, b, c, etc. for discussion purposes.

slot (16, 18) having an outer end portion that overlaps the inner end portion of the loading slot,

(c) the end portion having a first transition slot (7) *that extends from one of the opposite sides of the end portion through one of the fingers (F1) into the inner end portion of the loading slot (A) and the overlapping outer end portion of the retaining slot (16, 18),*

(d) the end portion having a second transition slot (7A) *that extends from another of the opposite sides of the end portion through another of the fingers (F2) into the inner end portion of the loading slot (A) and the overlapping outer end portion of the retaining slot (16,18), and*

(e) the cable (12) extending through the retaining slot (16, 18) and having a ferrule (5) *that engages a surface of the end portion adjacent the retaining slot (16, 18) for moving the member,* the cable being moveable axially in the retaining slot to form a lost motion attachment with the end portion of the member.

However, claim 1 does not read on the Gleasman '857 patent for several reasons, particularly the portions of claim 1 that are in bold italics.

First, the Gleasman slot (16,18) which the Examiner regards as the claimed retaining slot does not have an outer end portion that overlaps the inner end portion of the space (A) between plates (F1 and F2) which the Examiner regards as the claimed loading slot (A). See Figure 7 of the patent application which clearly shows this overlap of the outer end portion of Applicant's retaining slot (90) with the inner end portion of Applicant's loading slot (84) at (92). The Gleasman slot (16, 18) does not have any such overlap with Gleasman space A. Consequently paragraph (b) of claim 1 does not read on the Gleasman '857 patent.

Furthermore, the Gleasman slot (7) which the Examiner regards as the claimed first transition slot (7) does not extend from one of the opposite sides of the end portion through one of the fingers (F1) and the Gleasman slot (7) does not extend into

the inner end portion of the loading slot (A) and the overlapping outer end portion of the retaining slot (16, 18). The Gleasman (7) does not extend from one of the opposite sides of the end portion through one of the fingers (F1) unless Gleasman slot (17) is also included. Moreover, even if Gleason slot (17) is included, the combined slot (7, 17) does not extend into the inner end portion and the overlapping outer end portion of the retaining slot (16, 18) because among other reasons, there is no overlapping end portion of the retaining slot (16, 18) as explained above in connection with paragraph (b) of claim 1. Also note that in Figure 7 of the patent application, Applicant's transition slot (96) extends into the overlap of the outer end portion of Applicant's retaining slot (90) with the inner end portion of Applicant's loading slot (84) which is clearly shown at (92). The Gleasman combined slot (7, 17) does not extend into any overlap of the Gleasman slot (16, 18) with Gleasman space (A). Consequently paragraph (c) of claim 1 does not read on the Gleasman '857 patent.

Still further, the Gleasman slot (7A) which the Examiner regards as the claimed second transition slot does not extend from another of the opposite sides of the end portion through another of the fingers (F2) and does not extend into the inner end portion of the loading slot and the overlapping outer end portion of the retaining slot. The Gleasman slot (7A) does not extend from either side of the end portion because it is a closed slot and does not include a second slot such as the slot (17) that is associated with the Gleasman slot (7). Furthermore, the Gleasman slot (7A) does not extend into the inner end portion and the overlapping outer end portion of the retaining slot (16, 18) because among other reasons, there is no overlapping end portion of the retaining slot (16, 18) as explained above in connection with Gleasman slot (7). Consequently paragraph (d) of claim 1 does not read on the Gleasman '857 patent.

Yet still further, the Gleasman ferrule (5) does not engage a surface of the end portion adjacent the retaining slot (16, 18) for moving the member. The Gleasman ferrule (5) engages Gleasman slots (7 and 7A) which are not and need not be adjacent the Gleasman slot (16, 18) which the Examiner regards as the claimed retaining slot. Moreover, the ferrule (5) does not move the bracket (1) which is stationery. The Gleasman ferrule (5) moves the handle (4). Consequently paragraph (e) of claim 1 does not read on the Gleasman '857 patent.

Thus claim 1 is not anticipated by the Gleasman '857 patent for several reasons as demonstrated above. This also applies to dependent claims 2-5 and base product claim 8 and base method claim 9.

Regarding dependant claim 2, it is not possible to load Gleasman cable (12) into retaining slot (16, 18) through Gleasman space (A) and Gleasman slot (7A). Hence the further rejection of this claim is not well taken.

Regarding dependant claim 3, Gleasman slot (7A) is not coplanar with slot (7). Slots (7A and 7) are through parallel plates (F1 and F2) respectively. Consequently the Gleasman slots (7A) is parallel to the Gleasman slot (7). Gleasman slots (7A and 7) like Gleasman plates (F1 and F2) cannot be co-planar. Hence the further rejection of this claim is not well taken.

Regarding dependant claim 4, Gleasman retaining slot (16, 18) is not linear, it is key shaped. Compare figure 8 of the patent application. Hence further rejection of this claim is not well taken.

Regarding dependant claim 5, Gleasman retaining slot (16, 18) is not shaped to inhibit escape of cable (12). It is shaped to inhibit escape of nipple (15). Hence the further rejection of this claim is not well taken.

Regarding base claim 8, the Gleasman retaining slot (16, 18) is not perpendicular to the loading slot (A), and does not have an outer end portion that overlaps the inner end portion of the loading slot (A) as required by claim 8.

Furthermore, the Gleasman slot (7) does not extend from one of the opposite sides of the end portion through one of the fingers and does not extend into the inner end portion of the loading slot and the overlapping outer end portion of the retaining slot as required by claim 8.

Still further, the Gleasman slot (7A) does not extend from another of the opposite sides of the end portion through another of the fingers and does not extend into the inner end portion of the loading slot and the overlapping outer end portion of the retaining slot as required by claim 8.

Still yet further, the Gleasman ferrule (5) does not engage a surface of the end portion adjacent the retaining slot for moving the member as required by claim 8.

Consequently claim 8 is not anticipated by the Gleasman '857 patent for several reasons.

Regarding method claim 9, Gleasman does not provide a member having a retaining slot that has an outer end portion that overlaps the inner end portion of the loading slot, nor a member having a first transition slot that extends from one of the opposite sides of the end portion through one of the fingers into the inner end portion of the loading slot and the overlapping outer end portion of the retaining slot, nor a member having a second transition slot that extends from another of the opposite sides of the end portion through another of the fingers into the inner end portion of the loading slot and the overlapping outer end portion of the retaining slot.

Furthermore, Gleasman does not insert an end length of the cable transversely into the loading slot until the cable is disposed in the inner end portion of the loading slot. The Gleasman cable (12) is inserted transversely into the space (A) at the location of slot (13) which is not in the inner end portion of space (A).

Moreover, Gleasman does not rotate the end length of the cable (12) in a planar fashion through the first and the second transition slots until the length of the cable is aligned with the retaining slot. It is not possible to rotate the end length of the Gleasman cable (12) through the Gleasman slots (7 and 7A).

Furthermore, Gleasman does not insert the end length of the cable (12) into the retaining slot (16, 18) so that ...the ferrule (5) is engagable with a surface of the member adjacent the retaining slot (16, 18). The Gleasman ferrule (5) cannot engage a surface of bracket 1 adjacent the retaining slot (6, 18) because it engages slots (7 and 7A).

Further with respect to method claim 9, the claimed cable attachment is not the same as the Gleasman cable attachment and consequently the assembly method of claim 9 is not inherent in the Gleasman cable attachment. The assembly method of

the Gleasman cable attachment and the claimed assembly method are quite different as demonstrated above. The case of In re King is not applicable to the present situation.

Consequently method claim 9 is not anticipated by the Gleason '857 patent either descriptively or inherently for several reasons.

The rejection of dependant claims 6, 7 and 10 under 35 USC § 103(a) as being unpatentable over the Gleasman '857 patent in view of US Patent 2,511,283 (Mc Govern) is respectfully traversed because the rejection is based on base claims 1 and 9 being anticipated by the Gleasman '857 patent which is not the case as demonstrated above.

Furthermore with respect to dependant claims 6, 7 and 10, it is not obvious to shape the Gleasman '857 retention slot (16, 18) in view of the Mc Govern '283 retention slot (20) because the Gleasman '857 retention slot (16, 18) is not designed to inhibit escape of a cable. It is designed to hold a slotted nipple (15). There is simply no motivation to combine features of the Gleasman '857 and the McGovern '283 in the absence of Applicant's disclosure.

Please reexamine claims 1-10 in view of the foregoing remarks.

If it is determined that any fees are due, the Commissioner is hereby authorized and respectfully requested to charge such fees to Deposit Account No. 50-0831.

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